

**54-8-26 Notice that service from underground facilities is available -- Consequences of failure to convert overhead facilities.**

- (1)
- (a) If service from the underground public utility is to be made available to all or part of an improvement district area, the governing body of the county or municipality that created the district shall mail a notice to each owner of real property served from existing overhead facilities stating that:
    - (i) conversion of all facilities owned within the improvement district by a public utility from overhead to underground to the point of delivery is proceeding;
    - (ii) the property owner is responsible for the changes in the service entrance equipment located on the property to accommodate the conversion of the applicable public utility's facilities from overhead to underground at the point of delivery; and
    - (iii) each owner shall coordinate with the applicable public utility to make the conversion from overhead to underground service.
  - (b) In addition to improvement district assessments, the property owner shall bear the expense of the conversion from overhead to underground described in Subsections (1)(a)(ii) and (iii).
  - (c) Each conversion of overhead facilities to underground facilities shall comply with all applicable state and local laws, ordinances, rules, and regulations, and with all tariffs of the applicable public utility.
  - (d) The public utility or its contractor shall perform the necessary construction to the point of delivery, unless the public utility authorizes another to perform the construction.
- (2)
- (a) Failure to have the property owner's service entrance equipment described in Subsection (1)(a)(ii) converted to accommodate underground service within the time that the governing body specifies in writing shall be considered as the property owner's consent to and grant of a construction easement to the county or municipality and as express authority to the county or municipality to arrange for qualified persons to enter upon the lot or parcel for the purpose of making the required changes.
  - (b) A construction easement under Subsection (2)(a) terminates upon completion of the conversion of overhead facilities to underground.
- (3) If the county or municipality arranges for the conversion of the service entrance equipment, all county, municipal, and public utility costs and expenses of the conversion, including the engineering, legal, advertising, and incidental expenses, shall be assessed against the property upon which the service entrance equipment was converted and become a lien upon the property served.

Amended by Chapter 369, 2008 General Session